G. R. S. IX-5]

Previous references. 1894

~~191~~

(P1 &)

File No. 2-94

Serial Nos. 1-4

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4

~~Part~~ B for Sep 95

SUBJECT.

Rules for the escort of prisoners to & from the Court

Countermarked

Indexed
Cy

W D 68—GPB—50,000—24-7-16

8977

J 860

(General Serial No. 30).

1895

From

The Registrar to the

Inspector General of Prisons in Mysore.

(2)

To

The Chief Secretary.
to the Dewan of Mysore.

Dated 15th January 1895.

Despatched 16th " ———

Received

Enclosures No. one

General No. 710
J.

Forwards a draft notification for approval and publication in the Mysore Gazette, framed under the provisions of Section 8 of Regulation V of 1894, (A Regulation to provide facilities for obtaining the evidence and appearance of prisoners and for service of process upon them.)

J 17-1-95

Submitted for orders.

I have put up separate notifications in pencil with a note stating the reason for doing so. If approved I shall have them re-written in full.

Under Sec. 15, the power to make rules regulating the escort and the amount

to be allowed for the costs and charges of such escort is vested in the Govt and it cannot be delegated. and the 3d para of the proposed notification cannot stand as it does.

The Insp Genl of Prisons may be requested to submit a scale of charges for adoption by the Govt. & the Insp Genl of Police addressed to submit a copy of the escort rules issued by him.

R 18/1.95

Submitted for Chief Secy's
orders.
27/1/95

Mr. Mears
Draft out fully
All the alterations

29/1

Approved.

The draft proposed accordingly
was sent to the Department 4.95, &
a copy to the Commr for info.
4.4.95

Central Jail Press, Bangalore.—26-4-94.—500.

✓

The Workshop on
Alloys may open
The Hall may
be used by Student
Societies required by
the Council under
S 15

BJT

18/4/95

with reply to him
no 710 of 16 January 95

(3)

To

The Regr. to the Inspr
Genl of Prisons
in Bengal

Sir,

With reference to para 3
of Notn No
dy . inst, I am di-
-rected to request that
a draft of the Rules re-
-garding the passed under
Sec: 15 of the Prisoners
Testimony Regn No 1/94
may be submitted for
sanction of Government

I have etc

R.B/4. Secy

3

This draft will not suffice.

2. The Cf. this draft as amended by the Ld. Councillor shd be issued and published.

3 The D.f. Divisions shd be asked to submit a draft of the Rules regulating the salaries, &c. reqd by para 3.

4. Let me have re-draft of the Notification first before sending it to the Press.

19/4/95 Hmm

Jud. Branch.

1. A draft of the Notifn is put up Rm 7/c

The Ld Counr. for approval of re-draft
23/4 Hmm

The Ld Councillor does not like the Notifn as amended & Hmm shd not issue. Instead the D.f. shd be reqd to submit a draft Rules under the Act. 15.

Jud

This draft is prepd. by me in accordance with the decision of the Councillor as to the Depr. to be consd & d/ft of the rules he proposes to frame under the said Act. 15.

Rm

No 710

Bangalore 15th January 1895.

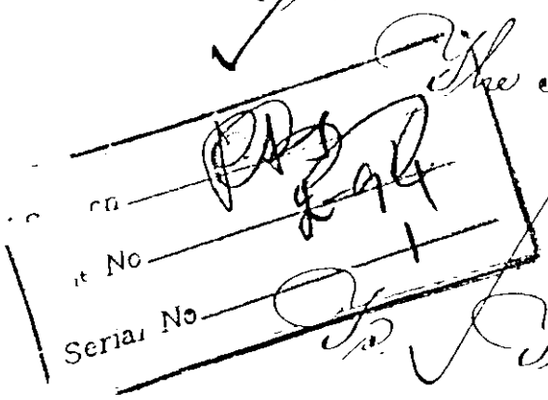
From

The Registrar to the
Inspector-General of Prisons
in Mysore.

To

The Chief Secretary to the
Dewan of Mysore.

(2)



Sir,

I am directed to state that the Superintendents of Jails and Deputy-Commissioners in charge of several Local Bodies were consulted on the points noted in the margin, with reference to the provisions contained in Regulation No V of 1894 (A Regulation to provide facilities for obtaining the evidence and appearance of prisoners and for service of processes upon them) and on perusal of their replies, the Inspector-General of Prisons, is of opinion, with reference to point I, that it is not desirable to remove from Prison prisoners.

I. As to classes of prisoners whose removal from Jail is considered undesirable.

II. Who should be deemed as Officers in charge of Jails and Local Inspectors whose requisitions under the Regulation should be made.

III. Whether the existing practice in regard to escort of prisoners requires modification.

(a) who are under sentence of death.

(b) —— " —— " —— " —— of transportation for life.

(c) who are of violent disposition and whose removal may in the opinion of Officers in charge of Jails or Lock-Ups be deemed dangerous.

If a requisition be received for the appearance of prisoners of the above classes, it shall be lawful for the officer in charge of the Jail or Prison to return the process of the Court unexecuted with an endorsement of the reasons therefor.

2. With reference to the question as to who shall be deemed to be the Officer in charge of Jail, the Inspector General proposes that, as regards the Central Jail at Bangalore and the Jails at Mysore and Shimoga, the Superintendent of the Jail, and as regards District and Taluk Lock-Ups, the Deputy Commissioner in each District and the Officer in immediate charge of the Lock-Up shall, for the purposes of the Regulation, be deemed to be the Officer in charge of the Jail, so that the requisitions in Forms A and B of the Schedule annexed to the Regulation may be addressed to them.

3. In regard to the Escort of Prisoners (Part III) the Superintendents of Jails and Deputy-Commissioners of Districts are unanimously of opinion that the existing practice regulated by Circular No. 3861-133 dated 25th May 1894, issued by the Inspector General

of Police may continue, with the proviso that when transmitting the summons or process requiring the attendance in Court of a Prisoner, the amount required for defraying the travelling expenses of the Prisoner and the escort shall be remitted in accordance with such scale as may from time to time be fixed by the Inspector General of Prisons.

4. A draft Notification framed in accordance with the above suggestions is herein enclosed for approval and publication in the Mysore Gazette.

I have the honor to be,

Sir,

Your most obedt. Servant,

Deputy Registrar doing duty as Registrar.

46

7

(2/a)

Notification.

The 18th April 1895.

Under the provisions of Section 8 of Regulation V of 1894, a Regulation to provide facilities for obtaining the evidence and appearance of prisoners and for service of processes upon them, the Government of His Highness the Maha Rajah of Mysore is pleased to direct that no court, Civil or Criminal, shall compel by its process the removal, from prison, of prisoners of prisoners or classes hereunder described for the purpose of obtaining their evidence.

(a) Prisoners under sentence of death.

(b) Prisoners under sentence of transportation for life.

(c) Prisoners of a violent disposition and whose removal may in the opinion of the Officer in charge of Jail or Lock-up, be deemed dangerous.

In the event of any requisition being received for the attendance in Court of any prisoner falling under any of the classes aforementioned it shall be lawful for the Officer in charge of the

Jail or Prison in which the Prisoner may be confined, to return the said requisition unexecuted with the reason for the noncompliance duly endorsed thereon.

2. Under the provisions of Section 17 of the said Regulation, the Government of ~~His Highness~~ the ~~Maharajah of~~ Mysore is further pleased to declare that, as regards the Central Jail at Bangalore and the Jails at Mysore and Shimoga, the Superintendent of each of these Jails, and, as regards District and Taluk Lockups, the Deputy Commissioner of the District or the Officer in immediate charge of the Lockups shall, for the purposes of the Regulation, be deemed to be the Officer in charge of the Jail and that the requisitions in forms A and B of the Schedule appended to the Regulation be addressed to them accordingly as each case may require.

3. The Court issuing a summons for the appearance of a Prisoner shall forward with the process such amount as may be required to defray the cost of travelling and batta for Prisoners as well as their escorts, in accordance with the scale of fees that may from time to time be fixed by the Inspector General of Prisons, ~~with the sanction of the~~ B.O.

The Govt is [illegible] rules regulating the escort of prisoners & the amount to be allowed for the costs of such escort. These cannot be altered to [illegible] except by order of the Govt of Mysore

Inspector General of Prisons

9

(1)

Acts and Regulations passed by His Highness the Maharaja of Mysore.

GOVERNMENT OF MYSORE.

LEGISLATIVE DEPARTMENT.

REGULATION NO. V OF 1894.

(Passed on the 22nd day of July 1894.)

A Regulation to provide facilities for obtaining the evidence and appearance of prisoners and for service of process upon them.

Preamble.

WHEREAS it is expedient to provide facilities for obtaining the evidence and appearance in Court of prisoners and for service of process upon them; His Highness the Maharaja is pleased to enact as follows:—

Short title, extent and commencement.

1. This Regulation may be cited "The Mysore Prisoners' Testimony Regulation, 1894."

It shall extend to the whole of the Territories of Mysore, and it shall come into force on the 1st day of August 1894.

Criminal Courts may make orders under Regulation.

2. Any Criminal Court not inferior to the Court of a Magistrate of the second class may, in its discretion, if it appear that the testimony of any person confined in any jail is material in any matter depending in such Criminal Court or if a charge of an offence against such person is made or pending, make an order in the form in Schedule A or B (as the case may be) to this Regulation annexed, directed to the officer in charge of the said jail.

Civil Courts may make orders under Regulation.

3. Any Civil Court may, in its discretion, if it appear that the testimony of any person confined in any jail is material in any matter depending in such Civil Court, make an order in the form in the said Schedule A, directed to the officer in charge of the said jail.

Court to countersign orders.

4. When such order is made in any civil matter pending in a Court subordinate to the Court of the District Judge or in any Court of Small Causes, it shall not be forwarded to the officer to whom it is directed or acted upon by him until the same shall have been submitted to, and countersigned by, such Judge or the District Judge within the local limits of whose jurisdiction such Court of Small Causes is situate.

Statement of facts necessitating order.

Every order so submitted shall be accompanied by a statement under the hand of the Judge of the facts which in his opinion render such order necessary; and the District Judge may, after considering such statement, decline to countersign the order.

Order to be transmitted through Magistrate of District in which person is confined.

5. When any person for whose attendance an order as hereinbefore mentioned shall be made is confined in any district other than that in which the Court making or countersigning the order is situate, the order shall be sent by the Court by which it shall have been made or countersigned to the Magistrate of the district or division of a district in which the said person is confined, and such Magistrate shall cause it to be delivered to the officer in charge of the jail in which such person is confined.

Order by Chief Court for removal of person confined more than 100 miles from place where his evidence is required.

6. In any case in which a person is confined in a jail more than one hundred miles distant from the place where any Court subordinate to the Chief Court in which his evidence is required is held, the Judge or the presiding officer of the Court in which the evidence is so required shall, if he think it expedient that such person should be removed under this Regulation for the purpose of giving evidence in such Court, apply in writing to the Chief Court, and such Chief Court may, if it think fit, make an order in the form in the said Schedule A, directed to the officer in charge of the said jail.

The Chief Court making the order shall send it to the Magistrate of the district or division of a district in which the person named therein is confined, and such Magistrate shall cause the order to be delivered to the officer in charge of the jail in which such person is confined.

Prisoner to be brought up.

7. Upon delivery of any order under this Regulation to the officer in charge of the jail in which the person named therein is confined, such officer shall cause him to be taken to the Court in which his attendance is required so as to be present in such Court at the time in such order mentioned; and shall cause him to be detained in custody in or near the Court until he shall have been examined or until the judge or presiding officer of such Court shall authorize him to be taken back to the jail in which he was confined.

Power to Government to exempt certain prisoners from operation of Regulation.

8. The Government of Mysore may, from time to time, by notification in the official Gazette, direct that any person or any class of persons shall not be removed from the jail in which he or they may be confined; and thereupon, and so long as such notification remains in force, the provisions of this Regulation, other than those contained in Sections 10 and 11, shall not apply to such person or class of persons.

When Jailor may disobey orders.

9. When any person named in any order made under Sections 2, 3, or 6 appears to be from sickness or other infirmity unfit to be removed, the officer in charge of the jail in which he is confined shall apply to the Magistrate of the district or division of a district in which such jail is situate, and if such Magistrate shall, by writing under his hand, declare himself to be of opinion that such person is from infirmity unfit to be removed;

or when any person named in any such order is under committal for trial;

or under a remand pending a trial or pending a preliminary investigation;

or when any such person is in custody for a period which would expire before the expiration of the time required for removing him under this Regulation and for taking him back to the jail in which he is confined;

then and in every such case, the Officer in charge of the jail shall abstain from obeying such order, and shall send to the Court from which the order has been issued, a statement of his reason for not obeying the same:

Provided that the said officer shall not so abstain when the order has been made under Section 2; and the person named in the order is confined under committal for trial or under a remand pending trial or pending a preliminary investigation, and does not appear to be from sickness or other infirmity unfit to be removed, and the place where his evidence is required is not more than five miles distant from the jail in which he is confined.

Commission for examination of prisoners.

10. Whenever it shall appear to any Civil Court that the evidence of a person confined in any jail, who for any of the causes mentioned in Section 8 or 9 cannot be brought up before it, is material in any matter depending before such Court,

and whenever it shall appear to any such Court that the evidence of a person confined in any jail, situated more than 10 miles distance from the place at which such Court is held, is material in any such matter,

and in any case in which the District Judge shall, under Section 4, have declined to countersign the order for removal,

the Court may, if it think fit, issue a commission under the provisions of the Code of Civil Procedure, for the examination of such person in the jail in which he is confined.

Commission how to be directed.

11. Every commission issued under Section 10 shall be directed to the District Court of the District wherein the jail in which such person is confined is situate; and such Court shall commit the execution of the commission to the officer in charge of such jail, or to such other person as the Court thinks fit.

Process how served on prisoners.

12. When any process directed to any person confined in any jail is issued from any Court, the same may be served by exhibiting to the officer in charge of such jail or prison the original of such process, and by depositing with him a copy thereof.

Process served to be transmitted prisoner's request.

13. Every officer in charge of a jail upon whom any such service as is mentioned in Section 12 shall be made, shall, as soon as may be, cause the copy of the process so deposited with him to be shown and explained to the prisoner whom it is directed, and shall thereupon endorse upon such process a certificate signed by him that the prisoner to whom the process is directed is a prisoner in the jail under his charge, and that he has received a copy thereof.

Such certificate shall be sufficient *primâ facie* evidence of the service of such process.

and if the prisoner requests that the said copy be sent to any other person, and deposits the cost of so sending it, the said officer shall cause the same to be forwarded through the post office by registered letter.

No order in any civil matter shall be made by a Court under any of the provisions hereinbefore contained until the amount of the costs and charges of the execution of such order (when ascertained by the Court) is deposited in such Court;

that, if upon any application for such order, it appears to the Court that such application is made that the applicant has not sufficient means to meet the costs and charges, the Court may pay the same out of any fund applicable

B
D
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Mys

to the contingent expenses of such Court, and every sum so expended may be r covered by Government from any person ordered by the Court to pay the same, a if it were costs of suit recoverable under the Code of Civil Procedure.

Power to make rules.

15. It shall be lawful for the Government o Mysore to make rules consistent with this Regulation—

(1) for regulating the escort of prisoners to and from the Court in which their presence is required;

(2) for regulating the amount to be allowed for the costs and charges of such escort; and

(3) for the guidance of officers in all other matters connected with the enforcement of this Regulation;

and from time to time to alter and add to the rules so made.

Publication of rules.

16. All such rules, alterations, and additions shall be published in the official Gazette, and shall, from the date of such publication, be deemed to have the force of law.

Power to declare who shall be deemed officer in charge of Jail.

17. The Government of Mysore may also declare in each case what officer shall, for the purposes of this Regulation, be deemed to be "the officer in charge of the jail."

Schedule A.

Court of

To the officer in charge of the (*state name of jail.*)

You are hereby required to have the body of , now a prisoner in un- der safe and sure conduct before the at on the day of next by of the clock in the forenoon of the same day, there to give testimony in a cause now pending before in a certain charge or prosecution now pending before aga *or as the case ma* and

the said shall then and there have given his testimony before the said or the said shall dispense with his further attendance, cause him to be conveyed under sure conduct back to the said jail.

day of A

(*Countersined*)

Schedule B.

Cour

To the officer in charge of the (s *name of jail.*)

You are hereby required to have the body of , no prisoner in under safe and sure conduct before the dd on the of the clock i next by forenoon of the same day, there to answer a charge now pending before and, after such charge shall have been dispos

the said shall dispense with his further attendance, cause him to be conveyed under s sure conduct back to the said jail.

day of A.

(*Countersigned*) C

K. SHESHADRI
Dewan of

Rules in force in the United Provinces of Agra & Oudh

Amount to be allowed for the cost and charges of the escort of Prisoners.

7. In the case of prisoners whose testimony is required in criminal trials, no charge shall be made by the Police Department on account of the dieting of the prisoner during his ~~return~~ retention in the custody of the police guard, or on account of any travelling expenses incurred by the guard for their own journey or that of the prisoner to and from the court concerned. All charges of every kind arising from the conveyance of prisoners to and from the courts will be defrayed by the Police Department. But it shall be in the competency of any court in criminal cases to decline to summon any prisoner if the court is not satisfied that his evidence is necessary in the interest of public justice, and if the complainant or defendant applying for the said prisoner's examination before the court fail to deposit the estimated costs of conveying the prisoner to and from the court. These costs shall be calculated on the scale hereinafter laid down in the case of civil suits; and if on examination of the said prisoner the court is of opinion that his evidence was not required in the interests of public justice, the deposited costs shall, together with a certificate to this effect under the hand and seal of the court, be forwarded to the District Superintendent of Police of the district in which the court is held, and the money will be credited according to instructions to be issued by the Inspector General with the sanction of the Local Government.

"Copy"

Rules in force in the Madras Presidency.

Rules regulating the escort of prisoners to & from Court.

* * * * *

(15) Whenever a prisoner is escorted under these rules by the police, the cost of conveyance and of maintenance, going and coming, shall be advanced by the officer in charge of the Jail to the police officer in charge of the escort. Provided that, whenever possible, the escort shall be furnished with the actual articles of diet sufficient for the prisoner's rations during his absence, instead of with money. If a prisoner is admitted into any jail, he shall be furnished with rations in that jail for whatever time he spends there.

(16) The cost of conveyance of prisoners to and from the court shall be recovered by the officer in charge of the jail from the court before which the prisoner's attendance is required.

* * *

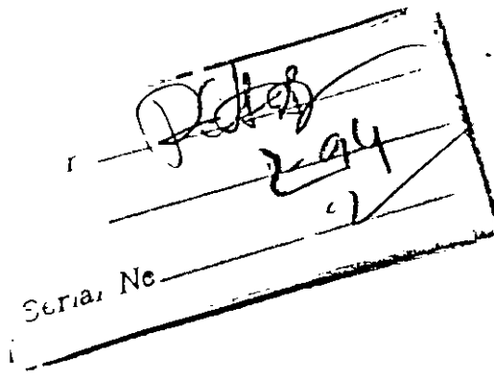
Extract

Re-draft.

No. 18928
F1175
Data 23-4-95

Notification (4)

under the provisions of Section 8 of Regulation V of 1894, (A Regulation to provide facilities for obtaining the evidence and appearance of prisoners and for service of processes upon them) the Government of Mysore is pleased to direct that no court, Civil or Criminal, shall compel by its process the removal from prison of prisoners or classes of prisoners hereunder described for the purpose of obtaining their evidance.



(a) Prisoners under sentence of death

(b) Prisoners under sentence of transportation for life

(c) Prisoners of a violent disposition and whose removal may, in the opinion of the Officer in charge of jail or Lock-up, be deemed dangerous.

In the event of any requisition

requisition being received for the attendance in Court of any prisoner falling under any of the classes aforementioned, it shall be lawful for the Officer in charge of the jail or prison, in which the prisoner may be confined, to return the said requisition unexecuted with the reason for the non-compliance duly endorsed thereon.

2. Under the provisions of Section 17 of the said Regulation, the Government of Mysore is further pleased to declare that, as regards the Central jail at Bangalore and the jails at Mysore and Shimoga, the Superintendent of each of these jails, and, as regards District and Taluk Lock-ups, the Deputy Commissioner of the District or the Officer in immediate charge of the Lockup shall, for the purposes of the Regulation, be deemed to be the Officer in charge of the jail, and that the requisitions in Forms A to B of

the Schedule appended to the Regulation be addressed to them accordingly as each case may require.

3. The Court issuing a summons for the appearance of a prisoner shall forward with the process such amount as may be required to defray the cost of travelling and batta for prisoners as well as their escorts, in accordance with the scale of fees that may from time to time be fixed under the rules sanctioned by Government under the provisions of section 15 of the said Regulation.

By order

23.4.95

General Secy.

23/4

To

The Compiler, Mysore Gazette for publication

PTO

No. 18929 ✓
9117G

with copy thus
No

Copy forwarded to the Regr. of the U.S. Consulate
with a request that the seals specified
referred to in para 3 of the Notice above
may be submitted as early as
possible

B.O.
Dixon

23.4.95

23/4

GENERAL.

No. 18928—*J.* 1175, *dated* 23*rd April* 1895.

Under the provisions of Section 8 of Regulation V of 1894, (A Regulation to provide facilities for obtaining the evidence and appearance of prisoners and for service of processes upon them) the Government of Mysore is pleased to direct that no Court, Civil or Criminal, shall compel by its process the removal, from prison, of prisoners or classes of prisoners hereunder described for the purpose of obtaining their evidence.

(*a*) risoners under sentence of death.

(*b*) Prisoners under sentence of transportation for life.

(*c*) Prisoners of a violent disposition and whose removal may, in the opinion of the officer in charge of Jail or Lock-up, be deemed dangerous.

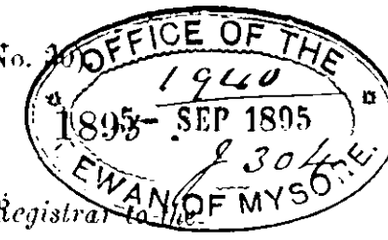
In the event of any requisition being received for the attendance in Court of any prisoner falling under any of the classes aforementioned, it shall be lawful for the officer in charge of the Jail or prison, in which the prisoner may be confined, to return the said requisition unexecuted with the reason for the non-compliance duly endorsed thereon.

2. Under the provisions of Section 17 of the said Regulation, the Government of Mysore is further pleased to declare that, as regards the Central Jail at Bangalore and the Jails at Mysore and Shimoga, the Superintendent of each of these Jails, and, as regards District and Taluk Lock-ups, the Deputy Commissioner of the District or the officer in immediate charge of the Lock-up shall, for the purposes of the Regulation, be deemed to be the officer in charge of the Jail, and that the requisitions in forms A and B of the schedule appended to the Regulation be addressed to them accordingly as each case may require.

3. The Court issuing a summons for the appearance of a prisoner shall forward with the process such amount as may be required to defray the cost of travelling and batta for prisoners as well as their escorts, in accordance with the scale of fees that may from time to time be fixed under the rules sanctioned by Government under the provisions of Section 15 of the said Regulation.

By order,
V. N. NARASIMMIYENGAR, *General Secretary.*

(General Serial No. 17)



From

The Registrar to the
Inspector General of
Prisons in Mysore.

(7)

To

Genl
The ~~Chief~~ Secretary
to the ~~Dewan~~ of Mysore.
~~Govt~~

Dated 4 ~~th~~ September 1895.

Despatched

Received

Enclosures No.

General No. 365
J.

Submitto for the approval of Govt and for publication in the Mysore Gazette, Draft Rules framed under Section 16 of the Mysore Prisons Testimony Regulation ~~I~~ of 1894 for regulating the escort of Prisoners to and from the Court in which their presence is required and fixing the amount to be allowed for the costs and charges of such escort.

J 5/9/95

recd:
6/9/95

Sir,

submitted with references.

AC
10-9-95

To the Mr. Counr with Draft

Mon

10/9

Central Jail Press, Bangalore.—26-4-94.—500.

No 365 Bangalore 4th September 1895.

From.

The Registrar to the
Inspector-General of Prisons
in Mysore.

To.

The General Secretary to the
Government of Mysore.

Sir,

Adverting to para 3 of the Notification of Government No. 18928 dated 23rd April 1895, J 1175 I am directed to forward for the approval of Government and for publication in the Mysore Gazette, Draft Rules framed under Section 15 of the Mysore Prisoners' Testimony Regulation V of 1894, for regulating the escort of Prisoners to and from the Court in which their presence is required, and fixing the amount to be allowed for the costs and charges of such escort.

I have the honor to be,
Sir,
Your most obedt Servant,

Registrar

Draft

Notification 18

STATE OF MYSORE

The following Rules made by the Government of Mysore under Section 15 of the Mysore Prisoners Testimony Regulation V of 1894, for regulating the escort of prisoners to and from the Court in which their presence is required and fixing the amount to be allowed for the costs and charges of such escort are hereby promulgated for general information and shall come into force from and after the twelfth day of September 1895,

Rules.

1. At the same time that a process under Sections 2, 3, 6 and 11 is transmitted to the Officer in charge of the Jail or Lock Up, a copy of the order shall be sent to Superintendent or Assistant Superintendent of Police, within whose jurisdiction the Jail or Lock Up is situated, who is responsible for providing a proper escort and receiving the custody of the prisoners while absent from Jail.

2. Prisoners under Sentence for a criminal offence are to be handcuffed before leaving the Jail; the handcuffs are not to be removed, except when the prisoners are before a Court or confined in a Lock Up.

3. The Court should, if possible, return prisoners under this Regulation to confinement either in Jail or in Lock-up during the hours of day light for safe custody by night.

4. The scale for escort of prisoners given in Circular No 3861-133 dated 25th May 1894, as pared by the Inspector General of Police, shall be applicable to prisoners sent to Court under the provisions of this Regulation.

5. The charges under Section 14 of this Regulation will be on the following scale:-

For each Constable 4 annas and for a Duf- - fedar six annas per diem, when the pri- - soners proceed by regular marches or from the Jail to the Court in the same station.

6. When the prisoners and escorts have to proceed by Railway, the train hire must be paid in addition to the charges specified in Rule 5. Prisoners shall ordinarily be sent by Rail when that mode of conveyance is available.

7. Where Railway communication does not exist, prisoners shall ordinarily be sent by marches from Police Station to Police

Station, provided that, if the evidence of the prisoners be urgently required to avoid inconvenience to parties or witnesses, or for other valid reasons (to be certified by the Court issuing the Process), the prisoners and escort may be forwarded by carts or carriages drawn by post or tappal bullocks or horses. This procedure shall only be adopted under the written order of the Court requiring the witness. The cost of the carriage of the prisoners and escort will be charged in addition to the expenses detailed in rule 5.

8. When a prisoner is summoned by a Court under the provisions of this Regulation, the Superintendent of the Jail or the Officer in charge of the Lock-up from which the prisoner is moved, shall fix the scale and description of diet to be allowed to such prisoner during his absence from Jail, and the Officer in charge of the Police escort shall see that the diet fixed by the Superintendent of the Jail or the Officer in charge of the Lock-up is, as far as possible, given in each case. The cost of dieting prisoners under this rule shall be included in the bill of costs which the Superintendent or Assistant Superintendent of Police presents for payment to the Court issuing the process.

9. It shall be the duty of the Superintendent or Assistant Superintendent of Police, on receiving a copy of the order mentioned in Rule 1, to make out a bill of costs including the cost of plotting and present it for payment to the Court which issued the process.

B.O.

(Sgd.) M. Varadarajulu Naidu
General Secretary.

To
The Compiler, Madras Gazette for publication
in the Gazette and for supply of 50 copies.

20 No: 3825- / 1417 of 17-9-95

(8)

Read.

Letter No. 365 of 4: September 1855 from the Registrar to the Inspector General of Prisons in Mysore submitting with advertance to Govt. Notification No. 18928 / 1175 of 23: april 1855, for approval and publication in the Mysore Gazette, draft Rules framed under section 15 of the Mysore Prisoners Testimony Regulation V of 1854, for regulating the escort of Prisoners to and from the Court in which their presence is required, and fixing

fixing the amount
to be allowed for the
costs and charges of
such escort.

Order thereon.

Approved

2. The rules submitted
with the above will be
published in the Gazette.

Inspr
10/9/95
Govt Secretary.

The
Registrar to the
Supt Govt of Prisons
for information.
No. 3826/418 9/17-9-95.
Copy of the rules to
the Compiler Govt Gazette
for publication

ATT
10/9

To Demur
for ATT
before issue
ATT
10/9

Returned
12.9.95

Inspr
ATT
13/9

GENERAL.

No. 3826—*J.* 418, *dated 17th September* 1895.

The following Rules made by the Government of Mysore under Section 15 of the Mysore Prisoners' Testimony Regulation V of 1894, for regulating the escort of prisoners to and from the Court in which their presence is required, and fixing the amount to be allowed for the costs and charges of such escort, are hereby promulgated for general information, and shall come into force from and after the twelfth day of September 1895—

RULES.

1. At the same time that a process under Sections 2, 3, 6 and 11 is transmitted to the officer in charge of the Jail or Lock-up, a copy of the order shall be sent to Superintendent or Assistant Superintendent of Police, within whose jurisdiction the Jail or Lock-up is situated, who is responsible for providing a proper escort and receiving the custody of the prisoners while absent from Jail.

2. Prisoners under sentence for a criminal offence are to be handcuffed before leaving the Jail; the handcuffs are not to be removed, except when the prisoners are before a Court or confined in a Lock-up.

3. The Court should, if possible, return prisoners under this Regulation to confinement either in Jail or in Lock-up during the hours of day-light for safe custody by night.

4. The scale for escort of prisoners given in Circular No. 3861—133, dated 25th May 1894, issued by the Inspector General of Police, shall be applicable to prisoners sent to Court under the provisions of this Regulation.

5. The charges under Section 14 of this Regulation will be on the following scale—

For each Constable 4 annas and for a Dafadar 6 annas per diem, when the prisoners proceed by regular marches or from the Jail to the Court in the same station.

6. When the prisoners and escorts have to proceed by railway, the train hire must be paid in addition to the charges specified in Rule 5. Prisoners shall ordinarily be sent by rail when that mode of conveyance is available.

7. Where railway communication does not exist, prisoners shall ordinarily be sent by marches from Police Station to Police Station, provided that, if the evidence of the prisoners be urgently required to avoid inconvenience to parties or witnesses, or for other valid reasons (to be certified by the Court issuing the process), the prisoners and escort may be forwarded by carts or carriages drawn by post or tappal bullocks or horses. This procedure shall only be adopted under the written order of the Court requiring the witness. The cost of the carriage of the prisoners and escort will be charged in addition to the expenses detailed in Rule 5.

8. When a prisoner is summoned by a Court under the provisions of this Regulation, the Superintendent of the Jail or the officer in charge of the Lock-up from which the prisoner is moved, shall fix the scale and description of diet to be allowed to such prisoner during his absence from Jail, and the officer in charge of the Police escort shall see that the diet fixed by the Superintendent of the Jail or the officer in charge of the Lock-up is, as far as possible, given in each case. The cost of dieting prisoners under this rule shall be included in the bill of costs which the Superintendent or Assistant Superintendent of Police presents for payment to the Court issuing the process.

9. It shall be the duty of the Superintendent or Assistant Superintendent of Police, on receiving a copy of the order mentioned in Rule 1, to make out a bill of costs including the cost of dieting and present it for payment to the Court which issued the process.

By order,

V. N. NARASIMMIYENGAR, *General Secretary.*